

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8
9

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11

EULA ELLINGTON,

12

Plaintiff,

No. C 10-03252 WHA

13

v.

14 JOHN E. POTTER,

15

Defendant.

16 _____ /
17
18 **REMINDER NOTICE OF
UPCOMING TRIAL AND FINAL
PRETRIAL CONFERENCE**

19

20 This notice serves as a friendly reminder that this case remains set for a **FINAL**
21 **PRETRIAL CONFERENCE** on **OCTOBER 3, 2011**, at **2:00 P.M.**, with a **JURY TRIAL** on
22 **OCTOBER 17, 2011**. Please consult the existing case management order and review and follow
23 all standing guidelines and orders of the undersigned for civil cases on the Court's website at
24 <http://www.cand.uscourts.gov>. Continuances will rarely be granted.

25

26 The final pretrial conference will be an important event, for it will be there that the
27 shape of the upcoming trial will be determined, including *in limine* orders, time limits and
28 exhibit mechanics. Lead trial counsel must attend.

29

30 To avoid any misunderstanding with respect to the final pretrial conference and trial,
31 the Court wishes to emphasize that all filings and appearances must be made — on pain of
32 dismissal, default or other sanction — unless and until a dismissal fully resolving the case is
33 received. It will not be enough to inform the clerk that a settlement in principle has been

United States District Court

For the Northern District of California

1 reached or to lodge a partially executed settlement agreement or to lodge a fully executed
2 agreement (or dismissal) that resolves less than the entire case. Where, however, a
3 fully-executed and unconditional settlement agreement clearly and fully disposing of the entire
4 case is lodged reasonably in advance of the pretrial conference or trial and only a ministerial
5 act remains, the Court will arrange a telephone conference to work out an alternate procedure
6 pending a formal dismissal.

7 Please state whether the Court can be of further ADR assistance (but avoid stating
8 offers, counteroffers or dollar amounts).

9 In this case, the Court wishes to consider the following additional trial procedures and
10 desires that counsel meet and confer and reach a stipulation concerning whether and how to
11 use them:

- 12 1. Scheduling opposing experts so as to appear in successive order;
- 13 2. Giving preliminary instructions on the law;
- 14 3. Allowing limited pre-closing deliberations (as per, *e.g.*, Rule 39
15 of the Arizona Rules of Civil Procedure); and
- 16 4. Allowing each side fifteen minutes of opening/argument time to
17 be used during the evidence time (in addition to normal opening statement and
18 closing argument).

19 Please present the results of your stipulation (or not) in the joint pretrial conference
20 submissions.

21

22

23

24 Dated: June 29, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

25

26

27

28